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R U L E S
A N D
O R D E R S
O F T H E
Court of Exchequer,

R E L A T I V E T O
The E Q U I T Y C O U R T, the
O F F I C E of P L E A S, and the
R E V E N U E.

L O N D O N:

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1524

RULES

AND

ORDER

OF THE

Court of Chancery



Printed by J. Stanger, at the Press of the Museum, in the Strand.

For W. Stanger, in the Strand.

1824

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Orders

Orders and Rules of Proceedings
in the Office of his Majesty's
Remembrancer of his Court of
Exchequer at *Westminster*, which
the Right Hon. Sir *Edward*
Atkins, Knt. Lord Chief Baron
of the same Court, Sir *Thomas*
Jenner, Knt. Sir *Richard Heath*,
Knt. and Sir *Christopher Milton*,
Knt. the other Barons of the
same Court, have thought fit
at present to ordain and publish
for the better and more speedy
carrying on the Business in that
Office.

I. *English Bill.*

EVERY Subpœna to answer, re-
join or hear Judgment, shall be
serv'd personally, or left at the
Defendant's Dwelling-House or
Place of Residence with one of that Fa-
mily, or otherwise the same Writ under

B

Seal

Seal shall be shewed there to such Person of such Family, and a Ticket thereof left with such Person, containing the Effect of the same Writ; and all such Tickets upon a Subpœna to answer, shall be written in the Exchequer Hand on Parchment.

II. *Service of Peers.*

Every Peer of the Realm to be served with a Letter under the Hands of two of the Barons, and not appearing thereupon, upon Motion a Subpœna to issue, and for want of appearing, or appearing and not answering in Time, a Sequestration to issue upon Motion.

III. *Filing Bills.*

Every Bill upon a Subpœna returnable *immediate*, is to be filed before the issuing of the said Writ; and upon a Subpœna returnable on a Day certain, the Bill to be filed within two Days after the Day of the Return, and all other on common Returns to be filed within four Days after the last Day of such Return. If the Defendants do appear according to the respective Returns of the Writs, and if the Bill be not exhibited accordingly, then the Defendants
1 l. 6 s. 8 d. to be dismissed with *four Nobles Costs*.

IV. *The Day to be set down of the filing of every Bill, Plea, Demurrer, Exception, Replication and Rejoinder.*

The Day of exhibiting of every Bill, and the putting in of all Pleas, Demurrers, Exceptions, Replications and Rejoinders to be set down upon the same, and to be then signed by the Attorney that is to award the same, and likewise the Day of every Defendant's Appearance entred in the Book of Appearances; and no Bill to be accepted till the same be signed by the Attorney for the Plaintiff, and allowed by one of the Barons, except at the Suit of his Majesty's Attorney General.

V. *Times of Appearances upon Subpœnas.*

If the Defendant does not appear on the next Day after Service of the Process returnable *immediate*, or on the second Day on Process returnable on a Day certain, or on the fourth Day of every common Return, then upon Oath of due Service, an Attachment is to be awarded; and all Affidavits to be made in *London* or *Middlesex*, and before any of the Barons, to be written in the Exchequer Hand on Parchment.

VI. *Touching Contempts.*

That after an Attachment is returned for a Contempt by *English* Bill, the next Process shall be an Attachment with Proclamation, and upon the Return thereof a Commission of Rebellion, and upon the Return thereof such other Proceedings as the Court upon Motion shall direct; and that the Costs be paid by each Defendant named in every of the said Processes, that is to say, Every Person in an Attachment to pay 10s. every Person in every Proclamation to pay 20s. every Person in every Commission of Rebellion to pay 2*l.* 13*s.* 4*d.* and all Costs to be paid either by the Plaintiff or Defendant or their respective Attornies in Court, before any further Proceedings be had on their Behalf respectively; and that there be in all Processes of Contempt in *London* or *Middlesex* and within fifteen Miles thereof six Days, and in all other Counties within sixty Miles of *London* ten Days, and for all other Counties fifteen Days, between the *Teste* and Return of each Process, unless the Court shall order Process returnable *immediate*. And in Case where the Sheriff shall return a *Cepi Corpus* upon Process of Contempt, after a Rule of four Days given to bring in the Body, and the Body not brought in, then upon Motion a Messenger to go and bring in such Defendant.

VII. *Answers*

VII. *Answers, and Time for Defendants to put in their Answers.*

Every Defendant shall put in his Answer within eight Days after his Appearance and the Bill filed as aforesaid, if the Bill shall be filed in the Term or within two Days after, in Case he doth not desire a Commission to answer, which is to be entred under his Appearance, and to be returnable the Beginning of the following Term; and no Defendant living within fifteen Miles of *London* to have a Commission but by special Order of the Court. And all Defendants living within 50 Miles of *London*, appearing upon a Process returnable the first Return of *Easter* or *Michaelmas* Terms, desiring a Commission to answer, are to return such Commission by the End of the same Term; and every Defendant taking out or craving a Commission to answer, is to rejoin *gratis*, and join in Commission to examine Witnesses, or else the Plaintiff to have a Commission *ex parte* within a Week after the End of the Term. And in Default of putting in his Answer as aforesaid, an Attachment is to be awarded against him: and where a Commission is prayed, but not taken out within three Weeks of the Beginning of the next ensuing Term (except *Trinity* Term), in such Case Process of

Contempt to issue, returnable the first Day of the said next Term.

VIII. *Touching Answers ; no Demurrer if in Contempt.*

Every Defendant, who shall not answer according to the Rule of Court, but desires a Commission to take his Answer, on taking forth such a Commission shall not put in a Demurrer or dilatory Plea, but may put in an Answer or Plea in Bar, unless otherwise ordered by Motion in Court.

IX. *Payment of Costs upon Contempts, for want of Appearances or Answers.*

Every Defendant that is in Contempt, shall pay his Costs to the Plaintiff or his Attorney in Court, before his Appearance or Answer be accepted ; and no Defendant in Contempt shall put in a Demurrer or dilatory Plea.

X. *Times of setting down Demurrers, Pleas, &c.*

Where the Defendant shall put in a Plea or Demurrer, the same is to be set down by the Defendant by the *Saturday* sevensnight following, or else the Plea or Demurrer is to stand over-ruled. And in Case the Plea and Demurrer do stand over-ruled

ruled as aforesaid, or be over-ruled at the Hearing, the Defendant is forthwith to pay to the Plaintiff or his Attorney in Court, forty Shillings Costs, and after his Answer to rejoin *gratis*, and join in Commission as aforesaid. And in Case the Plea or Demurrer be ordered to stand good, the Plaintiff to pay to the Defendant or his Attorney in Court, thirty Shillings Costs; and if the Demurrer be to the whole Bill, and be admitted by the Plaintiff, or allowed by the Court, the Defendant to stand dismissed, with Costs; and if the Defendant will put in his Answer two Days before the Day appointed for the hearing of the said Plea and Demurrer, or sooner, and give Notice thereof to the Plaintiff's Attorney, he is to pay to the Plaintiff twenty Shillings Costs.

XI. *Pleas of Outlawry.*

Upon a Plea of Outlawry, in Case the same be admitted by the Plaintiff, or adjudged good, and the Outlawry after reversed, then the Plaintiff, having paid the Costs on the Plea, may take forth a new Subpœna against the Defendant to answer the said Bill.

XII. *Admitting of Pleas and Demurrers to be good.*

If the Plaintiff or his Attorney in Court shall, two Days before a Plea is appointed to be heard, or sooner, give Notice to the Defendant or his Attorney in Court, that he will reply to the same, the said Plaintiff shall then reply thereto within a Week without Costs, or in Default thereof the Defendant to be dismissed with 30s. Costs; and if the Plaintiff or his Attorney will, two Days before a Plea or Demurrer is set down to be heard, or sooner, give Notice to the Defendant or his Attorney in Court, that he doth admit the Plea or Demurrer to be good, and shall pay to the Defendant or his Attorney in Court, twenty Shillings Costs, then the Defendant shall not need to attend his Plea or Demurrer,

XIII. *If Demurrer on Mistake.*

If the Demurrer be grounded upon some Error, Slip, or Mistake in the Bill, the Plaintiff shall be admitted of Course to amend the same, paying to the Defendant or his Attorney in Court, twenty Shillings Costs; but if the Plaintiff shall not, within four Days after such Demurrer put in, amend or alter it, and pay the Costs, then the Demurrer shall be determined in Court,

XIV. *Pleas of Dependencies of a former Suit.*

If the Defendant shall plead the Dependency of a former Suit for the same Matter complained of in the Bill, and Plaintiff shall admit of the said Plea, that then the Plaintiff shall forthwith pay to the Defendant or his Attorney in Court, forty Shillings Costs. And if the Plaintiff shall not, two Days before the same is set down to be heard, or sooner, admit the said Plea, and pay 40s. Costs, then the same is to be heard in Court; and if upon hearing it shall be adjudged a good Plea, then the Plaintiff to pay 3*l.* Costs.

XV. *Exceptions.*

Every Plaintiff that shall take Exceptions to the Defendant's Answer, shall put in his Exceptions to the same within four Days within the Term next after the coming in of the Answer, and set down the same to be heard on the *Saturday* sevennight following; in Case the Defendant will put in his Answer before the Time appointed for the Hearing of the same Exceptions, he is to put in the same two Days or sooner before the Time appointed for the Hearing thereof, and then he is to pay but twenty Shillings Costs.
And

And if upon hearing the Exceptions the Defendant be ruled to answer, the Defendant shall forthwith pay to the Plaintiff or his Attorney in Court, three Pounds Costs, and shall put in his Answer within eight Days, unless he desire a Commission to answer; in both which Cases he is to rejoin *gratis*, and join in Commission as aforesaid; and if the Defendant's Answer shall be adjudged good, the Plaintiff shall forthwith pay to the Defendant or his Attorney in Court, forty Shillings Costs; and all Answers coming in after the setting down of Causes, are to be taken as Answers of the succeeding Term.

XVI. *Second insufficient Answer.*

That every Defendant putting in a second insufficient Answer, shall pay double Costs, as if the first Answer had, upon hearing, been adjudged insufficient. Every Defendant putting in a third insufficient Answer, shall in like manner pay treble Costs. And every Defendant putting in a fourth insufficient Answer, shall pay such further Costs as the Court shall think fit, to the Plaintiff or his Attorney in Court, and shall stand committed to the *Fleet*, and be examined upon Interrogatories.

XVII. *Pro-*

XVII. *Proceedings upon Process of Contempt upon insufficient Answers.*

Every Person in Contempt for not appearing, and that shall after clear his Contempts and appear, but shall incur any other Contempts for not answering according to the Rules, shall pay the like Costs, and have the Process of Contempt continued against him, till there shall be a sufficient Answer put in, as if he had not appeared. And the like Rule where Persons in Contempt for not answering, till they have fully answered; but upon clearing his Contempt, he is to have an Allowance of what Costs he paid upon the former Contempt.

XVIII. *Plaintiff's Dismissal of the Bill before Replication.*

If a Plaintiff will dismiss his own Bill before he reply, he shall pay forty Shillings Costs, unless the Court shall think fit, upon Motion, to increase the same.

XIX. *Proceedings on the bringing to the Bar for Want of Appearance or Answer.*

If a Defendant be brought to the Bar by *Habeas Corpus* for not appearing, his Appearance shall be then recorded, and he

he forthwith charged with the Bill the first Time, and stand committed; and if afterwards he do not answer, according to the Courfe of the Court, being brought twice more to the Bar by *Habeas Corpus* or by Rule of Court, and charged with the Bill each Time, the Bill shall be taken *pro Confesso* against him.

XX. *Hearing Causes upon Bill and Answer.*

If the Plaintiff shall set down his Cause to be heard upon Bill and Answer, and serve the Defendant to hear Judgment; and if upon hearing the Court doth not think fit to make any Decree upon Bill and Answer, and shall permit the Plaintiff to reply, he shall forthwith pay to the Defendant or his Attorney in Court, five Pounds Costs, for his unjust Vexation, and reply within eight Days, or else the Defendant to stand dismissed with the said five Pounds Costs; and if he doth reply, the Defendant is to rejoin *gratis*, and join in Commission, which Commission shall be taken forth to be executed the next Vacation, except in the Vacation after *Easter Term*.

XXI. *Dismission*

XXI. *Dismission for Want of Replication,
or for not proceeding after Replication.*

If the Plaintiff doth not reply to the Defendant's Answer some Time the next Term after the Answer is put in, the Defendant may the Term following give a Rule to be dismissed within a Week; and if the Plaintiff shall not within that Time reply to the Defendant's Answer, the Defendant shall be dismissed with five Marks Costs; but if the Defendant doth give a Rule to be dismissd for want of Replication, at the coming in of such Replication, the Defendant is to rejoin *gratis*, and join in Commission; and if the Plaintiff doth not the same Term, or the Term following, take forth a Commission to examine Witnesses, the Defendant may either take forth a Commission *ex parte*, or else be dismissed with five Pounds Costs; and in Case where the Defendant shall give a Rule, either for not replying to the Defendant's Answer, or for not proceeding after Replication, if there be not a Week in Term, the Plaintiff to have a Day to shew Cause till the setting down of Causes.

XXII. *Examination of Witnesses.*

If the Defendant, being served with Subpœna to rejoin, or appearing *gratis* to rejoin,

rejoin, and join in Commission, shall not deliver Commissioners Names to the Plaintiff's Attorney by the End of that Term, and strike Names within four Days after the End of that Term, the Plaintiff may take a Commission *ex parte*.

XXIII. *Execution of Commissions to examine Witnesses.*

When a Commission is taken out, if, through the Default of the Party having the Carriage of the same, or of his Commissioners, the same be not executed, he shall pay unto the other Party such reasonable Costs, as he or his Solicitor shall, upon Oath, make appear he was put unto by such Failure; and shall renew such Commission at his own Charge, wherein the adverse Party may join and cross-examine such Witnesses if he think fit; but if he examine any Witnesses of his own, then he is to pay the half Fee of the Commission, and the adverse Party may also have a Duplicate of such Commission; and if the Party taking such renewed Commission, do not give Notice to execute his Commission eight Days before the Return thereof, that then the adverse Party, upon four Days Notice, may execute his Commission; and no second Commission to be awarded without Motion in Court.

XXIV. *Renewed*

XXIV. *Renewed Commissions to be executed.*

If, at the Instance of the Defendant, a Commission to examine Witnesses is ordered to be renewed, either for a Default of him or his Commissioners, or because he did not examine all his Witnesses by the first Commission, he shall at his Peril examine all his Witnesses by * such re-
* No Interrogatories to be added without Leave of the Court.
 renewed Commission, or in Court by the Return thereof; and no more Commissions to issue, except it be for the Examination of Witnesses beyond the Seas, or by further Order of Court; and that no Witnesses shall be examined at the hearing of any Cause *viva voce*, without special Order of this Court, made before the Hearing of the Cause.

XXV. *No Commission in London.*

That no Commission *ad Examinand Testes* be exhibited in *London* or within ten Miles thereof, without special Order first obtained, upon Affidavit made of the Party's Inability to travel, or other good Matter; and that all Depositions taken by Commission in *London* or within ten Miles thereof, without special Order of Court as aforesaid, shall stand superseded and suppressed *ipso facto*, and not allowed to be read in Evidence at the Hearing of the Cause;

Cause; and after Interrogatories are exhibited on either Side, neither Party shall add to or alter the same without Leave of the Court.

XXVI. *Publication.*

Publication to pass within one Week after every Commission returned, or the Witnesses examined in Court, if no Cause be shewn to the contrary; and where a Rule for Publication shall be given, there not being a Week in Term, Day shall be given to shew Cause to the contrary at the setting down of Causes.

XXVII. *Use of Depositions of Witnesses.*

Depositions of Witnesses in several Causes which are merely cross Causes, (that is to say) between the same Parties and touching the same Matter, may be used at the hearing of both Causes coming on to hearing together, without any Motion or Order in that Behalf.

XXVIII. *Setting down of Causes in London or within 60 Miles, in Easter or Michaelmas Terms.*

No Causes shall be put into the general Bill of Causes to be set down to be heard, till Publication is past, except it be by special

special Order of Court; and when Publication is past, the Cause to be set down for the Term following, except in Cases where the Parties live in *London* or within sixty Miles thereof, where if a Replication be filed in *Trinity* or *Hilary* Term, and Publication do pass the first Week of *Michaelmas* or *Easter* Terms following, such may be set down to be heard the last Day of Causes in such *Michaelmas* or *Easter* Terms.

XXIX. *Subpœna to hear judgment.*

Subpœna to hear judgment shall be observed in *London*, or within sixty Miles of the City of *London*, ten Days before the Day of hearing the said Cause, and in more remote Places fourteen Days before such Day of hearing, except in *Trinity* Term, and then the Defendant inhabiting in more remote Parts to have but ten Days notice.

XXX. *Hearings.*

If the Defendant shall be served to hear Judgment, and make Default, and hath Day given him to shew Cause why a Decree should not be made against him, such Defendant or his Counsel shall not be heard therein till he first pay down to the Plaintiff or his Attorney in Court 5*l.* Costs;
C and

and in case the Defendant doth attend the Hearing, being served, and that appear to the Court; and if the Plaintiff doth not attend, the Cause to be put out of the Paper, and the Plaintiff to pay to the Defendant 5*l.* Costs; and the Defendant may set down the Cause to be heard the next Term *ad Requisitionem Defendantis*, the Plaintiff to pay the said 5*l.* Costs before his Counsel can be heard.

XXXI. *Rules on Hearing on Motions.*

That the Judgment pronounced on every Hearing, and the Rule given on every Motion, shall be truly and fairly written by his Majesty's Remembrancer or his Deputy, and openly read before another Cause or Motion be begun, to the End, if the same be mistaken, it may be certified by the Court.

XXXII. *Entries of Decrees and Dismissions.*

And every Decree or Order of Dismission made by the Court, that is not entered some time before the last Day of the next Term, after the pronouncing thereof, shall not be entered but upon Motion in open Court.

XXXIII. *Decrees*

XXXIII. *Decrees and Orders.*

Every Order and Decree to be drawn up as short as with Conveniency they can be, without reciting the former Order and Proceedings at large.

XXXIV. *Bills of Review.*

Where a Bill of Review shall be brought, the Plaintiff in such Bill shall pay the Costs taxed or due in the former Cause, and enter into a Recognizance of such Penalty as the Court shall appoint to perform the same, in case the same shall be affirmed; and to pay such further Costs as this Court shall direct; otherwise the Defendant not to be enforced to give any Answer to such Bill, or incur any Contempts for his Neglect therein.

XXXV. *Proceedings upon Bills to examine Witnesses in perpetuam rei Memoriam.*

Where a Bill shall be exhibited to examine Witnesses *in perpetuam rei Memoriam*, and the Defendant being served with Process doth not appear, but stands in Contempt, the Plaintiff may then upon Motion have a Commission to examine Witnesses *de bene esse*; and where the Defendant shall have appeared he may

join in Commission if he think fit, and cross-examine the Plaintiff's Witnesses, he striking Commissioners Names within four Days after making of the Order for such Commission: And after the Defendant hath answered such Bill, the Plaintiff is then to reply and re-examine such of his said Witnesses formerly examined as shall be then living; and upon Return of the same Commission and the Depositions thereby taken, together with the Depositions of such of the Witnesses formerly examined, as were before the Execution of such second Commission dead, are forthwith to be published.

XXXVI. *Contempt in not performing Orders and Decrees.*

That no Person shall be in Contempt for not performing any Order or Decree of the Court, until he shall be served therewith by delivering a true Copy thereof, and shewing the Decree or Order under the Seal of the Court unto such Person; and if the Party cannot be found to be personally served, upon oath first made thereof, and an Order of the Court thereupon, the Writ of Execution to be left at his House or Place of his last Abode, or a Copy thereof with his Clerk in Court, and that to be good Service to bring him into Contempt.

XXXVII. *Times*

XXXVII. *Times for coming in of Reports.*

Where the Court upon hearing any Cause shall refer any Matter of Account, or other Matter to be reported to the Court, such Report shall be made and delivered to the sworn Clerk concerned in the Cause, six Days before the Time appointed for hearing of the Cause upon such Report, who is forthwith to give notice to the Clerk on the other Side; and if the adverse Party will take Exceptions to the same, he shall put in such Exceptions two Days at least before the hearing of the Cause.

XXXVIII. *Not performing Decrees.*

Where several Things are to be performed by a Decree on the Part of the Defendant, and the Defendant is brought in upon Contempt for not performing some Part of that Decree, he is not to be enlarged until he shall perform that Part of the Decree that is to be presently done, and give Security by Recognizance with Sureties as the Court shall order, to perform the other part.

XXXIX. *Examination of Persons in Contempt.*

Where any Person appeareth in Court upon Process of Contempt to be examined upon Interrogatories, he is to stand committed to the *Fleet*, unless he acknowledge a Recognizance of 100*l.* or more (if the case require it) to appear *de die in diem*, and not depart without Licence of the Court, and then Interrogatories shall be exhibited for his Examination within four Days after such his Appearance, and in Default thereof the Party prosecuted shall be dismissed with Costs; upon which Examination if the Defendant deny the Contempt, or the same doth not clearly appear, the Prosecutor may upon Motion examine Witnesses for Proof thereof, upon Notice given to the Defendant or his Attorney in Court, or by Commission, for which he may name a Commissioner, but is not to examine any Witnesses upon his Part, unless he shall satisfy the Court upon some Matter of Fact necessary to be proved for clearing the Truth: In which Case the Court, if there be Cause, will give him Leave to examine Witnesses to such particular Points so directed by the Court, and the other Side may cross-examine the said Witnesses.

XL. *Touching*

XL. *Toucking the same.*

And when a Bond is taken out to prove a Contempt, the Party prosecuted shall have a Day to appear upon his said Recognizance till the Return of the Commission. And if the Commission be not returned within a Week after the Return thereof, the Party prosecuted shall be discharged of his Contempt with Costs and his Recognizance vacated.

XLI. *Beating or abusing the Persons serving the Procefs.*

Where any Oath shall be made of Misdemeanor of beating or abusing the Party upon serving the Procefs or Order of the Court, the Party offending shall stand committed upon Motion, and no Examination is in that Case to be admitted: And when an Affidavit shall be made by two Persons of scandalous and contemptuous Words against the Court or the Procefs thereof, the Party offending shall likewise stand committed upon Motion without any further Examination; and a single Affidavit in such Case shall be sufficient to ground an Attachment, whereupon such Person shall be brought to be examined; and if the Misdemeanor shall be confessed or proved against him, he shall

stand committed until he satisfy the Court touching his said Misdemeanor, and pay the Prosecutor his Costs: But if he shall not thereof be found guilty, save by the Oath of the Party that made the Affidavit, he shall be thereof discharged, yet without any Costs in respect of the Oath made against him as aforesaid.

XLII. *Injunctions.*

That no Injunction be granted, or Day given to shew Cause why the same should not be granted, but upon Motion in open Court, satisfying the Court with such Matter as may induce the Court in Justice to grant the same; and where there are Exceptions put in to Answer, the Plaintiff may move for an Injunction upon opening of a material Exception to the Court.

XLIII. *Taxing of Costs.*

That in all Cases where Costs are to be taxed upon a Bill of Costs in the Office of his Majesty's Remembrancer, his Majesty's Remembrancer is to tax the Costs, but shall not tax the same without Notice given to the Attornies on both Sides to attend him.

XLIV. *Bills*

XLIV. *Bills of Revivor.*

If a Defendant be served with Process upon a Bill of Revivor, and shall not Answer or desire a Commission within eight Days, the former Proceedings shall stand revived upon Motion.

XLV. *Serving of Sheriffs or Under-Sheriffs with Orders.*

That where a Sheriff or Under-Sheriff is ordered to perform any Thing by Order of the Court, serving of the Sheriff or Under-Sheriff with a true Copy of such Order under the Seal of the Court, and Affidavit made thereof, and Warrant thereupon from one of the Barons, shall be a sufficient Service to bring the said Sheriff or Under Sheriff in Contempt, if he does not perform the same.

XLVI. *Sheriffs to name Attornies.*

That all Sheriffs shall assign their able and sufficient Attornies and Deputy in this Court, the same Court sitting, which shall attend this Court from Time to Time to receive and return the Writs and Commandments of the same, according to the statute in that Behalf provided; and that every Sheriff upon the entring into his Recognizance

23 H. 6. c. 10.

zance do declare unto one of the sworn Clerks in the Office of his Majesty's Remembrancer, the Name of such Attorney and Deputy so by him assigned.

XLVII. *Rules to Sheriff to return Process.*

And where a Sheriff neglects to return any Process delivered to him, Rules may be given the last Day of the Term for him to return such Writs by the Sealing Day, or to be amerced 40s.

XLVIII. *Paupers.*

If any Person shall petition to be admitted *in forma Pauperis*, he shall bring a Certificate under his Counsel's Hand, upon his Petition, that he hath probable Cause of Suit, and make usual Oath before he be admitted, and such Counsel to be assigned for one.

XLIX. *Notes of Informations.*

That according to an Order of Court made the second Day of July 1686. upon the making out of any Process upon any Information to be exhibited in the Office of his Majesty's Remembrancer in this Court, for the Seizure of any Goods, there shall be a brief Note or Entry made by one of the sworn Clerks, in a Book to be prepared

prepared for that Purpose, in the Name of the Party that seized the same, and of the Quality of the Goods seized, together with the Day of the Month when the same is exhibited: And that upon the making out of any Process upon personal Informations upon penal Statutes, there shall be a brief Note or Entry made by one of the sworn Clerks in the said Book, of the Names of the Plaintiffs and Defendants, together with the Day of the Month when the same is exhibited, unto which Book such Person as is or shall be employed in Behalf of his said Majesty, for the recovering and getting in his said Majesty's Moiety or Part of such Forfeitures, may have recourse and free Liberty to inspect and peruse the same.

L. Records of Recoveries and Fines to be perfected.

That the Records of the Recovery of all Goods or Merchandizes seized for being prohibited or uncustomed, and all Fines rated for the same, shall be perfected and finished by the first Day of the next Term following the Term of such Recoveries had or Fine rated, to the End the same may be drawn down into the Pipe.

LI. *Pleadings upon personal Informations.*

Every Defendant appearing upon a personal Information or *Quo Warranto*, except Informations of Seizure, is to plead to the same within four Days of the next Term after his Appearance to the same, or in Default thereof, Judgment by *Nihil Dicit* to be entred; and where a Defendant being served with Process to appear to an Information, shall neglect to appear the same Term, and is taken upon Process of Contempt returnable the following Term, he shall then plead within four Days after his Appearance.

LII. *Contempts, &c.*

That after an Attachment is returned upon any Contempt upon an Information, the next Process shall be an Attachment with Proclamation, and upon the Return thereof a Commission of Rebellion, and then upon Motion a Serjeant at Arms, and the same Costs are to be paid upon Contempts upon Informations, as is directed before upon Prosecution of *English Bills*.

LIII. *Joining*

LIII. *Joining in Demurrer.*

When a Demurrer is filed the Defendant shall join in Demurrer within six Days, or else Judgment by *Nihil Dicit* to be entred.

LIV. *Informations and other Matters in Law.*

When a Replication is filed the Defendant shall rejoin within four Days, or else Judgment by *Nihil Dicit* to be entred.

LV. *Rules upon returns of Scire facias.*

Upon Writs of *Scire facias* returned the last Day of the Term, and upon Inquisitions then returned whereon Goods are seized, Rules may be given for the Defendants to appear upon such Writs of *Scire facias*, and to claim the Property of such Goods seized by the Sealing Day after each Term; and in Default thereof, Proceedings to be had in each Case respectively as where there are Days in Term for giving such Rules.

LVI. *Notice of Trials.*

Notice of all Trials in *London* or *Middlesex* to be given six Days before such Trials;

Trials; and of Trials at Assizes, Notice to be given within six Days after the End of the Term.

LVII. *Entring Judgment after Trials.*

Upon the Return of every *Postea* Judgment to be entred within four Days, upon a Rule given, if nothing be said to the contrary, upon Trials in *London* or *Middlesex*; and within the Term Judgment to be entred of the same Term; and upon Trials at the Bar Judgment to be entred within four Days after such Trial, if there be so many Days in Term; and if there be less than four Days in Term, then Judgment to be entred the last Day of the Term.

LVIII. *Irregularities in Proceedings.*

That all Differences touching Irregularities in Proceedings upon the Rules of the Court shall be determined by his Majesty's Remembrancer or his Deputy, upon hearing the Attornies on both Sides, who is to settle the same, if he can, and give Costs where he shall find the Fault, if not, the Court to determine the same.

LIX. *Atten-*

LIX. *Attendance of Officers upon the Court.*

That his Majesty's Remembrancer or his Deputy, and the sworn Clerks in the Office, do diligently attend in Court, and do give an Account touching any Proceedings in Court as they shall be required.

All former Rules not contrary hereunto are to be observed.

Edward Atkins.

Tho. Jenner.

Richard Heath.

Christopher Milton.

N. B. These Rules were made between the Beginning of *Easter Term 2 James 2.* and the latter End of *Easter Term the 3 James 2.* because *Atkins* was made Chief Baron, and *Milton* Baron in *Easter Term 2 James 2.* and *Powell* was made Baron in *Easter 3 James 2.*

Proceedings upon Outlawries.

Where any Outlawry shall be transcribed into this Court, and Process made out thereupon, and afterwards such Outlawry shall be reversed before any Judgment shall be entred for removing their Majesty's Hands, and the Party outlawed restored to his Possession, the Prosecutor
of

of such Outlawry shall be paid such Costs, as shall be taxed by their Majesty's Remembrancer or his Deputy for the Proceedings in this Court.

R. Atkins.

Ed. Nevill.

N. Lechmere.

Jo. Turton.

Lunæ 13 Die Maij 1689.

It is this Day ordered by the Court, that the Rules above mentioned shall be made an Order of this Court, and that the same shall be entred amongst the Orders and Rules of this Court.

Sabbati 14 Die Nov. 1691.

Touching Extents in Aid.

It is this Day ordered by the Court, that one of the Barons of this Court be attended with the Bond wherein the Party is Debtor to the King, before any Extent do issue to find Debts in Aid without specialty in the Vacation Time, and that no Extent do issue in the Term Time to find Debts in Aid without specialty but by Motion in open Court.

Lunæ 28 Die Nov. 1692.

Touching Prosecutors beyond Seas.

Upon the Motion of Mr. *Phipps* of Counsel with the Defendant, informing the Court that the Plaintiff was in Parts remote beyond the Seas, albeit an *English* Bill was exhibited in this honourable Court, in his Name against the said Defendant; the said Mr. *Phipps* therefore prayed that some Persons of Ability might enter into Recognizance before one of the Barons of this Court, in such Sum as the said Baron should think fit to require for and on Behalf of the Plaintiff, with Condition to pay the said Defendant such Costs in this Cause which this Court may upon the hearing of this Cause appoint, before the said Defendant should be obliged to answer or plead to the said Plaintiff's Bill; the which this Court doth think reasonable, and hereby orders the same accordingly. And further, that the same be made a standing Rule of this Court in like Case for the Time to come.

D

Jovis

Jovis 20 Die Feb. 1706.

Setting down of Causes.

It is this Day ordered by the Court, that at the setting down of Causes after every Term (*Easter* Term excepted) a particular Number of Causes be set down and directed for every Day; and if the Causes appointed for that Day shall not be ready as they are called (and no sufficient Cause shewn to the Court) such Cause shall be struck out of the Paper, and not to be heard that setting down of Causes. But in Case the Court shall not hear all the Causes directed for that Day, then the Remanents to be heard first before the Causes appointed for next Day; and for that Purpose the Register or his Clerk is to attend the Barons two Days after the End of every Term, with the Paper of Causes, to appoint how many Days shall be allotted for the setting down of Causes, to the End that the Suitors may give their Attendance accordingly.

[*Vide* Book of Orders, No. 231.]

Veneris

Veneris 24 Die Maii 1717.

Paupers how to be admitted to sue, &c.

The Court taking Notice of the vexatious Prosecutions of the King's Subjects, by Persons admitted to prosecute them *in Formâ Pauperis*; it is ordered by the Court, that for the Future no Petitions to prosecute any Suit *in Formâ Pauperis* be admitted, but where one of the sworn Clerks attends the Baron with such Petition, and that the Counsel that sign the Petition be the only standing Counsel to be assigned for such *Pauper*. And it is further ordered by the Court, that where a Cause has been depending, before any Person petitioneth to be admitted *in Formâ Pauperis*, such Person before he be admitted shall give Security to pay the Defendant his Costs accrued to the Time of such Admission, in case the *Pauper's* Bill shall be dismissed, or the Court otherwise orders the Defendant to have his Costs.

[*Vide Book of Orders N^o. 157.*]

Lunæ 27 Die Nov. 1721.

Subpœna's returnable immediate at the Sittings.

The Court being this Day attended in the *Exchequer Chamber at Westminster*,

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by

by the sworn Clerks of the Office of his Majesty's Remembrancer of this Court, and taking into Consideration the great Inconveniencies which the Suitors of the Court are put to by reason, that the Court hath not hitherto directed Process of Subpœnas to issue returnable *immediate* against Defendants living in or near *London*, after the Expiration of the Term. And it being by the Court judged necessary for the dispatch of Business, that such Process should be awarded; it is therefore ordered by the Court, that from and after the last Day of every Term, until the End of the Sittings of the Court after every such Term, the Attornies and Clerks of the said Office shall be, and are hereby empowered to make out Process of Subpœna returnable *immediate*, upon any Bill or Bills of Complaint that shall hereafter be exhibited in this Court, against any Person or Persons residing in the City of *London*, or within five Miles thereof; a proper Affidavit being first filed in the said Office of such Persons Residence within the said City of *London*, or within five Miles Distance of the same. And that in Default of every such Person's Appearance in this Court upon such Process, within the Time already prescribed, Process of Contempt shall thereupon be awarded against all and every such Person or Persons for their
Contempt

Contempt, returnable the first Return of the succeeding Term.

[*Vide* Book of Orders, N^o. 286.]

Veneris 2 Die Maij 1729.

Notice to be given of all Causes for Arguments.

It was intimated by the Court, that in all special Causes that stand in the Paper for Arguments, two Days Notice should be given to the Court.

[*Vide* Minute Book.]

Sabbati 20 Die Junij 1729.

Setting down of Causes with the Register.

Whereas the Clerks of the King's Remembrancer's Office of this Court, do frequently bring Causes to be set down by the Register in the Paper of Causes so late, that it is impossible for him to deliver compleat Copies of the Paper of Causes to the Barons of this Court the Evening before such Causes are appointed to be heard; it is therefore this Day ordered by the Court, that for the Future no Cause be received by the Register to be put into the Paper of Causes after Six of the Clock in the Afternoon of the Day immediately

D 3

preceding

preceding such Day for which the Cause is set down to be heard.

[*Vide* Book of Orders, N^o. 249.]

Lunæ 31 Die Maij 1731.

Irregularities in Depositions.

The Court having observed great Inconveniences to have arisen, by permitting Parties to argue Irregularities touching Depositions at the hearing of Causes; do order for the preventing such Inconveniences for the Future, that hereafter no Irregularities touching Depositions shall be argued or objected to by either Parties at the hearing of any Cause; but that all such Irregularities shall be argued in open Court before such Hearing, or be referred to the Deputy of his Majesty's Remembrancer of this Court, to examine and report the same to the Court.

Setting down Causes.

And it is also ordered by the Court, that for the Future no Cause shall be put into the Paper of Causes during any Term, that shall not be set down in the general Paper of Causes to be delivered to the Chief Baron, and the other Barons of this Court, before any such Term, except in Cases where the Parties live in *London*, or within

within 60 Miles thereof; wherein if a Replication be filed in *Trinity* or *Hilary* Terms, and Publication do pass the first Week in *Michaelmas* or *Easter* Terms following, such Cause may be set down to be heard the last Day of Causes in such *Michaelmas* or *Easter* Terms.

[*Vide* Book of Orders, N^o. 244.]

Hearings.

Sabbati 13 Die Nov. 1731.

IT is ordered by the Court, that for the Future all Applications for rehearing any Cause, shall be made within six Months after the Decree pronounced, and that the Persons applying for and obtaining a Rehearing, shall within ten Days after such Order is obtained make a Deposit in Court of ten Pounds; and in Default thereof, such Order for rehearing any Cause shall stand discharged, without any Motion for discharging the same.

Fiats for Commissions and allowing Bills.

It is ordered by the Court, that no Answer taken by Commission shall be filed, or any Copy taken thereof, before a *Fiat* fairly engrossed on Parchment shall be affixed thereto, to warrant such Commission;

and that no Depositions taken by Commission shall be filed, or any Copies taken thereof, before a *Fiat* fairly engrossed on Parchment to warrant such Commission be annexed thereto. *And that no Bill be filed or received by Defendant's Clerk in Court, before the same is signed by a Baron:* And that these be standing Orders of this Court to be punctually observed by all Persons concerned.

[*Vide* Book of Orders, N^o. 344.]

<i>Ja. Reynolds.</i>	<i>J. Comyns.</i>
<i>Law. Carter.</i>	<i>W^m. Thompson.</i>

Lunæ 22 Die Maij 1732.

Lords of Parliament to answer or be examined upon Honour.

It is ordered by the Court, that the following Resolution of the House of Lords be inviolably observed by all Persons practising in this Court, and that the same be recorded in this Court, *viz.*

Die Lunæ 22 Maij 1732.

Upon report from the Lords Committees for Privileges, to whom it was referred on *Thursday* last, to consider the Privileges of this House; it is resolved by the Lords Spiritual and Temporal, in Parliament

liament assembled, that it is the inherent Right of all Peers or Lords of Parliament, whether they be Plaintiffs or Defendants, to answer or be examined upon Interrogatories in all Courts, upon Protestation of Honour only, and not upon the common Oath; and that the Lord Chancellor or Speaker of this House, for the Time being, do forthwith give Notice of this Resolution to the Judges of the respective Courts in *Westminster Hall*, that the same may be inviolably observed for the Future, and recorded in the said Courts.

[*Vide Book of Orders, N^o. 246.*]

Saturday 10 Day of Nov. 1733.

Passing Publication.

It is ordered by the Court, that after Publication is passed, and the Depositions delivered out to be copied, no Time shall be given for enlarging any Order for Publication; and that this be a standing Order of the Court.

Friday 13 Day of July 1736.

Rules to be given for arguing Exceptions at the Sittings.

Whereas by the Orders of this Court Rules for arguing Exceptions may be given
for

for the *Saturday* Sennight after the Exceptions are filed; and whereas it has been the Practice (where there was not a *Saturday* Se'night within the Term, after filing the Exceptions) to give a Rule to argue them at the Sittings after Term, though there is no standing Order for such Practice; Therefore to prevent for the future any Objection that may be made to such Practice, which is of great Service to the Suitors of the Court; It is this Day ordered by the Court, that when any Exceptions are filed so late in the Term as that they cannot be argued in Term, according to the Rules of this Court, for the Future a Rule may be given for arguing such Exceptions; and such Exceptions may be set down to be argued at the Sittings of this Court after such Term.

E X T E N T S.

Termino sancti Michaelis, Anno 34 & 35 Elizabethæ.

Veneris 24 Nov.

IT is ordered by the Right Honourable the Lord High Treasurer of *England*, *John Fortescue*, Esq; Chancellor and Under Treasurer of this Exchequer and the Barons of the same Court, That from henceforth no Assignment of any Debt shall be assigned and set over to her Majesty by any Person or Persons whatsoever, but such as shall be allowed of and appointed to be retained by the said Lord Treasurer, Chancellor and Barons in the open Court.

[*Vide* Book of Orders, N^o. 18.]

Termino

Termino Sancti Hilarii
Anno 15 Caroli.

Mercurij 12 Die Februarii.

Assignment of Debts.

WHEREAS upon Complaint made of Abuses formerly touching assigning of Debts to his Majesty, and in causing of Debts to be found by Inquisition upon Bonds taken in his Majesty's Name, for the Payment of Monies to some of the King's Farmers, Receivers or other Accountants; the Lord Treasurer, Lord Cottington, Lord Chief Baron and the rest of the Barons of this Court, and Sir John Banks, Knight, his Majesty's Attorney General having conferred together, and taken mature Consideration for reforming the said Abuses for the Future, have thought fit, and do order, that no Debts be assigned to the King, or found by Inquisition for the King's Debtors or Accomptants in Aid, save such as are originally due to them *bonâ fide*, without any Manner of Trust. See Stat. 7 Jac. c. 15. 4 Inst. 115. Hob. 253. Hardr. 403. (and according to the Directions and Instructions hereafter following,) viz.

I. He

1. He who assigneth any Debt to the King shall take this Oath, *viz.*

Oath of an Assignment.

The within named *A. B.* maketh Oath the Day of the Date within written, that the Debts hereby assigned are just and true Debts, and have not formerly been put in Suit in any other Court, and that the same are his own proper Debts, originally due unto him *bonâ fide* without any Trust, and that he hath not received the same nor any Part thereof, except, &c.

2. He who desireth any Debt or Debts to be found by Inquisition in his Aid shall take this Oath.

Oath to ground an Extent in Aid.

The said *A. B.* maketh Oath the Day and Year above written, that he is justly indebted unto (*C. D.*) one of the Farmers of his Majesty's Customs, &c. and that the same Debt is a just and true Debt originally due to the said *C. D.* *bonâ fide* without any Manner of Trust, and that the said Debt hath not been put in Suit in any other Court, and that he hath not received the same nor any Part thereof, except so much, &c. And that *M.* is justly indebted to him the said *A. B.* originally
and

and *bonâ fide* without Trust, and that C. D. is much decayed in his Estate, so that unless a speedy Course be taken against the said C. D. the said Debt by him owing is in great Danger to be lost.

How far debts
are seizable
Hardr. 404.

3. That no further Inquisitions shall be taken for Debts in Aid than to inquire and seize the Lands, Debts and personal Estates of him that is Debtor to the King's Debtor or Accountant, unless it be by special Order made in open Court.

What Debts
are assignable.

4. No Debts *without Specialty* shall be assigned to the King in Case of Debts in Aid. 4 Co. 94.

Hardr. 226.
S. C.

5. No Debts without Specialty shall be found by Inquisition for Debts in Aid, unless it be by Order upon Motion in open Court, and except it be for Debts due to the King's Farmers.

Immediate
Extents.

6. That no immediate Process of Extent be awarded for Debts in Aid but in Cases of Extremity, and upon Oath to be taken as aforesaid.

Scire facias.

7. That every *Scire facias* for such Debts shall be awarded into the proper County where such Debtors are mentioned in the Specialty to reside, unless upon a *Scire facias* returned in *London* and *Middlesex*.

Bonds to Re-
ceivers.

8. That where Bonds are taken in the King's Name, payable to the King's Receivers, &c. they shall, before any Extent

go forth, make Oath or certify it under their Hands to the Court that such Bonds are, and at the Time of taking such Bonds were, for just and true Debts originally owing to themselves *bonâ fide*, and that they are not in Trust or for the Benefit of any other.

That the Receivers, Collectors and Bailiffs have no more Deputies than are necessary for the King's Service, and that such Deputies be neither Tradesmen nor Scriveners.

Deputies to
Receivers.

per D'num The.
per D'num *Cottingham*.
per Capital' Baron.
per Baron' *Trevor*.
per Baron' *Weston*.
per Baron' *Hendon*.
per *Job'em Banks*, Mil.

Orders

Orders and Rules of Proceedings
in the Office of his Majesty's
Remembrancer of his Court of
Exchequer at Westminster, which
the Right Hon. Sir *Edward*
Atkins, Knt. Lord Chief Baron
of the same Court, Sir *Thomas*
Jenner, Knt. Sir *Richard Heath*,
Knt. and Sir *Christopher Milton*,
Knt. the other Barons of the
same Court, have thought fit
at present to ordain and publish,
for the better and more speedy
carrying on the Business in that
Office.

Joining in
Demurrer.

WHEN a Demurrer is filed, the
Defendant shall join in Demurrer
within six Days, or else Judgment by
Nihil dicit to be entered.

Informations
and other
Matters in
Law.

When a Replication is filed, the Defen-
dant shall rejoin within four Days, or else
Judgment by *Nihil dicit* to be entered.

Rules upon
return of *Scire*
facias.

Upon Writs of *Scire facias* returned the
last Day of Term, and upon Inquisitions
then returned whereon Goods are seized,
Rule may be given for the Defendant to
appear upon such Writs of *Scire facias*,
and

and to claim the Property of such Goods seized by the Sealing Day after each Term. And in Default thereof, Proceedings to be had in each Case respectively, as where there are Days in Term for giving such Rules.

Notice of Trials.

Notice of all Trials in *London* or *Middlesex* to be given six Days before such Trials; and of all Trials at Assizes Notice to be given within six Days after the End of the Term.

Entring Judgments.

Upon the Return of every Postea, Judgment to be entered within four Days upon a Rule given, if nothing be said to the contrary. Upon Trials in *London* or *Middlesex*, and within the Term, Judgment to be entered of the said Term. And upon Trials at the Bar, Judgment to be entered within four Days after such Trial, if there be so many Days in Term; and if there be less than four Days in Term, then Judgment to be entered the last Day of the Term.

Termino sancti Michaelis Anno tertio Wilhelmi & Mariæ.

Sabbati 14 Die Nov. 1691.

Extents to find Debts to issue on Motion.

IT is this Day ordered by the Court, that one of the Barons of this Court be attended with the Bond wherein the Party is Debtor to the King, before any Extent do issue to find Debts in Aid without Specialty in the Vacation Time; and that no Extent do issue in the Term Time to find any Debts in Aid without Specialty, but by Motion in open Court.

[*Vide Book of Orders, N^o. 99.*]

Sabbati 31 Die Maij 1712.

Clause added to Extents.

Upon the Motion of Mr. Attorney General it is ordered by the Court, that in all Extents next before the Words *Modo habetur* (in the Clause which relates to Goods, Chattels, Debts and Credits) these Words following be inserted, *viz. aut aliquis alius in fiduciâ pro eo vel ad ejus usum.*

[*Vide Book of Orders, N^o. 128.*]

Outlawries.

Outlawries.

Costs to be paid before Reversal.

WH E R E any Outlawry shall be transcribed into this Court, and Process made out thereupon, and afterwards such Outlawry shall be reversed before any Judgment shall be entered for removing their Majesty's Hands, and the Party outlawed restored to his Possession; the Prosecutor of such Outlawry shall be paid such Costs as shall be taxed by their Majesty's Remembrancer, or his Deputy, for the Proceedings in this Court.

Lunæ 13 Die Maij 1689.

It is this Day ordered by the Court, that the Rule abovementioned shall be made an Order of this Court, and that the same shall be entered amongst the Orders and Rules of this Court.

[*Vide* Book of Orders, N^o. 166.]

*R. Atkyns.
Edw^d. Nevell.
N. Lechmore.
Jo. Turton.*

Orders and Rules on the Proceedings on Informations relating to the CUSTOMS, &c.

Trinity Term 23d Year of the Reign of Queen Elizabeth on the 14th Day of June.

IN avoiding unnecessary Delays it is ordered by the Court, that every Person appearing from henceforth in this Court as Defendant to any Information of Intrusion, or to any Information upon any Penal Statute, or to any impleading in the Office of the Treasurer's Remembrancer, or to any Action in the Office of *Common Pleas*, and in the same Term wherein he doth make his first Appearance, shall be foreborne, and not by some Rule of the Court be compelled to put in his Answer, but shall have Day over till the next following Term by Imparlance or otherwise generally without any special Day prefixed; that then by the general Rule of this Court the tenth Day of the said next Term is and shall be the peremptory Day for every such Defendant to put into the Court his sufficient Plea; and if the said tenth Day shall be passed and no such Plea put in, the Attorney for the Plaintiff is to move the Court between whom and for what Matter the Cause is; and that the Time of the general Rule

Rule is past; and then upon such Motion the Court is to take special Order by a last peremptory Day, or by awarding of some Costs or other Penalty, or by awarding such Process, or otherwise, as the Court shall think meet, against such Defendant making Default.

*Termino sancti Michaelis Anno tertio
Regis Jacobi.*

WHEREAS great Numbers of Informations upon Penal Laws have been and are daily exhibited in this Court by common Informers, upon which many Compositions have been and are daily made between the said Informers and the Defendants, to and for the Benefit of the said Informer, the King's Majesty, to whom a Moiety of all Forfeitures accruing by any such penal Statutes doth belong, reaping no Benefit thereby; by which it cometh to pass that a great Part of the Business of the Court consisteth in Suit, and much Time is spent to draw Benefit to the Informer, and the King's Profits not advanced; It is thought good by Licence to the Court, and it is so ordered, that no Licence shall be granted to any Informer to compound or agree with any Person or Persons by him sued upon any Information contained, before that the Defendants in the same Information named and sued,

shall have first given sufficient Warrant to his Attorney in Court to make for him in his Behalf, and name such Fine or Composition with the King for his Majesty's Part of the Forfeiture in the Information contained, as to the Court shall seem good, if the Composition between the Informer and the Party do happen to proceed, and to be finished and accomplished.

Tho. Fleming.

Job. Saville.

Robt. Clarke.

Geo. Snigg.

The Form of the Licence set down by the Court.

This Clause is
now left out.

Licence is given by the Court to *Richard Ayre*, Informer, to compound and agree to and with *Robert Hastings* Defendant, upon an Information exhibited by the said Informer against the said Defendant, *per Paschæ Record. ult. præterit. rotulo*—, by buying of Cattle out of open Fair or Market contrary to the Form of the Statute in that case made and provided, [*so as the said Informer shall, within the Space of three Days next ensuing the Date of these Presents, cause the Licence to be entered in the Book of Orders remaining in the Custody of his Highness Remembrancer of this Court, and*] so that the said Informer before the first Day of *Hilary Term* next do set down, upon Oath, what Sum or
Sums

Sums of Money, Fine or other Consideration he or any other Person or Persons, to his Use or with his Privy, is to receive or shall have received [*for and in Consideration of Composition for the same,*] or agreed to receive for and by way of Composition for the said [*Cause by any Means directly or indirectly, and if the said*] Offence, or in the said Cause by any Means directly or indirectly; [*Informer shall by the said Time not set down his*] and so as this Licence and the Oath thereupon to be made [*Composition, upon his Oath, in Manner and Form as in*] containing the Sum of Money or other Consideration, for which [*this Licence was formerly contained, then this Licence*] such Composition shall be made as aforesaid, be returned into [*shall be utterly void, and be reputed as if it never*] this Court within fifteen Days after the said first Day of [*had been made to all Intents and Purposes; and if so*] Hillary Term aforesaid, otherwise this Licence to be void to [*be that he shall not compound by the said Time, he shall*] all Intents and Purposes.

likewise certify this Court the next Term thereof, to the End this Court may then grant him further Time to finish the said Composition, if this Court shall so think fit.

The Licences are now made out according to the Words in Roman, and those in Italick left out.

Tho. Fleming.
Robt. Clarke.
Jo. Savile.
Geo. Snigg.

Whereas the Right Honourable the Lords Commissioners of his Majesty's Treasury, by the Advice of the Right Honourable the Lord Chief Baron and the rest of the Barons of this Court, and of his Majesty's Attorney General, have thought fit to make and ordain several Rules and Orders to be observed in this Court in the several Ports of England and Wales, and Berwick upon Tweed, concerning the returning of the Port Books and Port Bonds, and for regulating the Coast Trade, the which Rules and Orders are in these Words following, viz.

FOrasmuch as some Defects and Inconveniencies have been found in the former Manner of taking, prosecuting, certifying and discharging of Port Bonds taken for Coals and other Goods carried Coastwise, for Prevention whereof for the Future, the Lords Commissioners of his Majesty's Treasury have considered thereof; and for the Remedies for the Future, by the Advice of the Lord Chief Baron and the rest of the Barons of the Court of *Exchequer*, and of his Majesty's Attorney General, have thought fit to make and ordain the several Rules and Orders following.

Orders

Orders to be observed in the *Exchequer*, and in the several Ports of *England* and *Wales*, and *Berwick* upon *Tweed*, concerning the returning of the Port Books and Port Bonds, and of regulating the Coast Trade.

Port Bonds.

THAT no Bonds given and entred into for Delivery of Coals and other subsidy Goods and Merchandizes, laden from Port to Port, shall be henceforth taken by any Customer or his Deputy in any Out-Ports of this Realm, without the Approbation of the Comptroller or his Deputy, and the deputed Comptroller or such other Officer as shall be appointed by the Commissioners of his Majesty's Customs; nor any Certificate accepted in Discharge of any such Bond without the like Approbation, which Approbation shall be signified by their being a Witness to the said Bond, and by signing the Certificate; and in case of doubt of the Truth of any such Certificate, that a Copy thereof be sent to the Commissioners of his Majesty's Customs for their Directions concerning the same,

That

That all the certified Coast Bonds, and all uncertified Bonds (except the uncertified Bonds of Lead, Tin and Coals for which Provision is herein after made) be returned upon Oath by Numbers into the *Exchequer* with the Port Books at the End of every Year, *viz.* on or before the first Day of *November*, with Notice thereof to the said Commissioners; and that the Coast Books in all the Out-Ports be kept and put in the same Method as those in the Ports of *London* and *Newcastle*, (that is to say,) That the Patent Officers in all the Out-Ports be required, according to a former Order of the 15th of *August* 1677, from the late Lord Treasurer *Danby*, and confirmed by the Lords Commissioners of his Majesty's Treasury the 19th of *April* 1679, to express the Name of the Ship, the Master, the Goods, the Port of landing and the Date of the Certificate. And that the Entries of all Goods going out of a Port by Cocquet be entred together in one Part of the Book, as well as those Goods coming into a Port by Certificate in the other Part of the Book.

That the Certificates be not annexed to the Bonds but where they perfectly agree, nor shall they be annexed where there shall be any Interlineations; but if it shall so fall out that any Bonds shall be sent up with any Certificate that doth disagree, or that shall be interlined, the same shall

not

not be put in Suit till the Court be acquainted with such Variations or Mistakes.

That all forfeited and uncertified Bonds for Lead, Tin and Coals be carefully returned upon Oath by List, examined and signed as well by the Collectors as Patent Officers at the End of every Quarter, (that is to say,) at *Lady Day*, *Midsummer*, *Michaelmas* and *Christmas*, to the King's Remembrancer or unto the Clerk thereunto appointed, and that a Schedule of the said List be at the same Time sent and signed as aforesaid, to the Commissioners of the Customs, therein expressing the Date of each Bond, the Name, Title and Place of Abode of each Obligor; and the Name of the Ship upon the Account of which such Bond is given; which Schedule upon Examination (with a Duplicate thereof to be delivered to the Commissioners of the Customs) shall be signed by the said Remembrancer, or the said Clerk, to which the said Commissioners, their Solicitor, or any other Officer of the Customs appointed under the Hands of three or more of them, or any Officer of the said Court of *Exchequer*, shall have resort and inspect without Fee; and that none of the uncertified Bonds for Lead, Tin and Coals as aforesaid, returned into the *Exchequer* as aforesaid, be discharged by Certificate or otherwise, without Notice to the Commissioners of his Majesty's Customs, their Solicitor or their

their Clerk in Court first given, to the End they may shew Cause against the same (if any) for Prevention of Frauds; and moreover, that the said Commissioners or their Clerk in Court may have Notice, for his Majesty's Service, of all Orders and Processes relating to the said forfeited Bonds.

That Coast Books be sent to *Berwick* and *Carlisle* and Members thereof, as to the other Ports, for Entries of Goods Coastwise, and the Bonds thereof to be returned as from other Ports.

That where a Ship going Coastwise shall discharge Part of her Lading in one Port, and the Remainder thereof in another Port, that the Officers of the first Port do make a true Entry of the Indorsement in their Parchment Book, to be returned into the *Exchequer*, and that the Officers of the second Port do not only certify the Goods there landed, but in their Certificate do specify the Goods certified to be landed at the former Port.

And for the Discovery of false Certificates, and other Practices to conceal the carrying away Goods beyond the Seas, It is ordered, that *Henry Fanshaw*, Esq; Keeper of the Port Books, or the Keeper thereof for the Time being, do examine all Certificates annexed to Bonds whether they agree with the Books of the unlanding Port, as also whether such Certificates do comprize the full Quantity entred in
the

the lading Port, and that he did not issue out Proceſs upon any uncertified Bond before he have firſt examined the Books of the lading Port where the Bond was taken whether any Certificate be there entred; and where any Certificate ſhall be found ſo entred, though not annexed to the Bond, that no Proceſs be iſſued till the Commiſſioners of the Cuſtoms, their Solicitor or Clerk in Court be acquainted with the Matter, and have given their Answer thereto, or that the Court have had Cognizance thereof, and given Directions therein: And the ſaid Lords Commiſſioners do pray the ſaid Barons now and for the Time being, and order, require and command all Officers and other Perſons concerned both in the ſaid Court of *Exchequer*, and in the ſeveral Ports, Creeks, Members and Places in *England, Wales, Berwick*, from Time to Time hereafter, carefully to obſerve and put in Execution the ſaid Rules and Orders and all Things therein contained, ſo far forth as they are, ſhall or may be reſpectively concerned therein, or ſhall relate to their reſpective Offices and Employments: And for the better Publication thereof, the ſaid Lords Commiſſioners do think fit and ſo order, that the ſaid Rules and Orders, together with this Direction, ſhall be entred and regiſtered in the Office of his Maſteſty's Remembrancer in the Court of *Exchequer*,
and

and from thence true Copies or Exemplifications thereof to be made and sent to the Port of *London*, and all other Ports Members and Creeks in the Kingdom of *England*, Dominion of *Wales*, and Town of *Berwick* upon *Tweed*, there to be kept and entred, to the End the Duties and Directions therein contained may be duly observed, and that none may pretend Ignorance thereof. Dated this 11th Day of *January*, Anno Domini 1680, Annoq; Rni. Rs. Car. 2. *Angliæ*, &c. 32.

S. Godolphin.
Ste. Fox.
L. Hyde.

J. Earle.
Ed. Dering.

Upon Reading of which said Rules, Orders and Directions, it is this Day ordered by the Court, That all Officers and other Persons concerned both in this Court and the several Ports, Creeks, Members and Places in *England*, *Wales* and *Berwick*, do from Time to Time hereafter carefully observe and put in Execution the said Rules and Directions, and all Things therein contained, so far forth as they are, shall or may be respectively concerned therein, or shall relate to their respective Offices or Employments.

Termino sancti Michaelis Anno tricesimo sexto Regis Caroli secundi.

Jovis quarto Die Decembris.

Filing Certificates and Discharges of Port Bonds.

UPON the Motion of Sir Robert Sawyer, Knight, his Majesty's Attorney General, informing the Court that there is no certain and settled Fee for the filing of Certificates and other Discharges to Port Bonds in the Court of *Exchequer*; and the said Attorney General praying that there may be a certain Fee settled and made by the Order of this Court, for the filing of every respective Certificate or other Discharge to every uncertified Port Bond in the said Court, for the Satisfaction of all Obligors bound or hereafter to be bound in any such Bond or Bonds; It is therefore this Day ordered by this Court, that the Fee of five Shillings and no more shall be taken, for the filing of every respective Certificate or other Discharge to every uncertified Coast Bond, that is, or hereafter shall be returned into the Court
of

of *Exchequer*, unless Cause be shewed to the contrary the first Day of next *Hilary* Term.

Termino sanctæ Trinitatis Anno secundo regni Regis Jacobi secundi.

Veneris secundo Die Julij.

Filing Certificates and Discharges of Port Bonds.

UPON the Motion of Sir *Robert Sawyer*, Knight, his Majesty's Attorney General, on Behalf of his said Majesty, desireth that for the better and more due answering unto his Majesty of the Moiety of all Forfeitures due to his Majesty, by reason of any Seizures made of any Goods forfeited by reason of the unlawful shipping or unshipping thereof, or for being imported or exported contrary to Law, and other the Penalties and Forfeitures due to his Majesty in all Custom Causes and other Prosecutions in this Court, upon Penal Statutes, there may be a public Book kept in the Office of his Majesty's Remembrancer, wherein the

Infor-

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Informations to be exhibited in the same
 Offices for the Forfeitures aforesaid, shall
 be entred upon the first awarding of Pro-
 cess for such Forfeitures, which the Court
 looking upon to be very necessary, and
 a Means to prevent fraudulent Prosecutions,
 set up in favour of Persons offending against
 such penal Statutes; it is thereupon or-
 dered by the Court, that for the Future,
 upon the making out of any Process upon
 any Information, to be hereafter exhibited
 in the said Office of his Majesty's Remem-
 brancer in this Court, for the Seizures of any
 Goods, there shall be a brief Note or En-
 try made by one of the sworn Clerks, in
 a Book to be prepared for that Purpose,
 of the Name of the Party that seized the
 same; and of the Quality of the Goods
 seized, together with the Day of the Month
 when the same is exhibited; and that upon
 the making out of any Process upon per-
 sonal Informations upon penal Statutes to
 be hereafter exhibited in the said Office,
 there shall be a Note or Entry made by
 one of the sworn Clerks in the said Book,
 of the Names of the Plaintiffs and Defen-
 dants, together with the Day of the Month
 when the same is exhibited, unto which
 Book such Person, as is or shall be employed
 on the Behalf of his said Majesty for the re-
 covering and getting in his Majesty's
 Moiety or Part of such Forfeitures, may have
 recourse and free Liberty to inspect and
 peruse the same.

Orders and Rules of Proceedings in the Office of his Majesty's Remembrancer of his Court of *Exchequer* at *Westminster*, which the Right Hon. Sir *Edward Atkins*, Knt. Lord Chief Baron of the same Court, Sir *Thomas Jenner*, Knt. Sir *Richard Heath*, Knt. and Sir *Christopher Milton*, Knt. the other Barons of the same Court, have thought fit at present to ordain and publish, for the better and more speedy carrying on the Business in that Office.

Records of Recovery of Goods seized.

THAT the Records of Recovery of all Goods and Merchandizes seized as prohibited, or for Nonpayment of Custom, and all Fines rated for the same, shall be perfected and finished by the first Day of the next Term following the Term of such Recovery had or Fine rated, to the end the same may be drawn down into the Pipe.

Pleading to Informations.

Every Defendant appearing upon a personal Information or *Quo Warranto*, except Informations of Seizure, is to plead to the same within four Days of the next Term after his Appearance to the same, or in Default thereof Judgment by *Nihil dicit* to be entred. And where a Defendant being served with Process to appear to an Information shall neglect to appear the same Term, and is taken upon Process of Contempt, returnable the following Term, he shall then plead within four Days after his Appearance.

Attachment, &c.

That after an Attachment is returned upon any Contempt upon an Information, the next Process shall be an Attachment with Proclamation, and upon the Return thereof a Commission of Rebellion, and then upon Motion a Serjeant at Arms, and the same Costs are to be paid upon Contempts upon Informations as is directed before upon Prosecution by *English Bill*.

Demurrer

When a Demurrer is filed the Defendant shall join in Demurrer within six Days, or else Judgment by *Nihil dicit* to be entered.

Replication.

When a Replication is filed the Defendant shall rejoin within four Days, or else Judgment by *Nihil dicit* to be entered.

Notice of Trial.

Notice of all Trials in *London* or *Middlesex* to be given six Days before such Trials; and of all Trials at Affizes, Notice to be given within six Days after the End of the Term.

Judgment on Verdicts.

Upon the Return of every *Postea* Judgment to be entered within four Days, upon a Rule given, if nothing be said to the contrary, upon Trials in *London* and *Middlesex*, &c. within the Term, Judgment to be entered of the same Term; and upon Trials at the Bar, Judgment to be entered within four Days after such Trial, if there be so many Days in Term;
and

and if there be less than four Days in Term; then Judgment to be entered the last Day of Term, all former Rules not contrary hereunto to be observed.

N. B. These Rules were made about
2 James 2.

Termino Sancti Hilarii
Anno octavo Regni
Regis Gulielmi tertii.

Lunæ 22 Die Februarij.

Licences to compound.

UPON the Motion of Sir Thomas Trevor Knight, his Majesty's Attorney General on Behalf of his Majesty, It is ordered by this Court, that where any Licence shall be granted by the Court to any Informer to compound upon any Information exhibited in the Court, and such Licence shall, before the same shall be delivered out of the Office, be entered into the Book of Licences, and the Plaintiff therein named shall within the time limited by such Licence make Oath of the Composition by him received or made thereupon, and cause such Compositions upon Oath to be entered in the said Book by one of the sworn Clerks underneath the

said Licence; and no Clerk in the said Office shall presume to make or tender any Fine to be rated upon any Composition not entered as aforesaid; and that Mr. *John Earle* Register of the Seizures, and Mr. *Hosier* Inspector of the Forfeitures on penal Statutes, do by the first Day of next Term give an Account of all Monies that have been paid to his Majesty's Use, upon any Composition made upon any Information depending in this Court for two Years last past.

Termino Sancti Michaelis Anno nono Gulielmi tertii.

Martis 25 Die Octobris 1697.

RULES to be observed by the Attornies and their Clerks in the Office of his Majesty's Remembrancer of his Court of *Exchequer* at *Westminster*, for the better answering of all Forfeitures and Sums of Money due to his Majesty, by reason of any Information exhibited in the said Court, of the Seizure of Goods forfeited, or for any Offence committed against any penal Statute, which the Right Honourable *Charles Montague*, Esq; Chancellor and Under Treasurer of the said Court,
Sir

Sir *Edward Ward*, Knight, Lord Chief Baron, Sir *Nicholas Lechmere*, Knight, Sir *Littleton Powis*, Knight, and Mr. Baron *Blencoe*, the rest of the Barons of the same Court having conferred with Sir *Thomas Trevor*, Knight, his Majesty's Attorney General, Sir *John Hawles*, Knight, his Majesty's Solicitor General, have thought fit at present to ordain and publish as followeth.

Writ of Appraisement and Seizures, &c.

Imprimis, That the Attornies in the said Office shall, by the Day of setting down of Causes, after the End of every *Trinity* Term, for the Terms of *Easter* and *Trinity*, and by the Day of setting down of Causes after every other Term, give to the Court a Note in Writing of what Writs of Appraisements have been made out, and what Seizures of Ships Goods and Merchandizes, and by whom have been made, returned and proclaimed, and what personal Informations, and by whom, and for what, have been exhibited within each of the then last preceding Terms, and what Licences, Compositions, Trials, or other Proceedings have been made or had thereon.

Licences to compound.

Secondly, That where any Licence shall be taken out to compound upon any personal Information or Informations of Seizure, the same shall be signed by one of the Attornies in the said Office, who shall take care to see that such Licence be fairly entered in the Book kept for that Purpose in the said Office, and after the Plaintiff hath made Oath of his Composition thereupon, the said Licence shall be delivered back to such Attorney, who is to make an Entry of the Sum compounded for in the Book where such Licence is entered; and in Case such Defendant doth not, within the Term following after such Composition sworn to, procure a Fine with his Majesty to be rated thereupon, that then Process shall Issue against such Defendant, his Executors or Administrators, to compel him or them to cause and procure such Fine with his Majesty to be rated, and Process shall issue for the levying and recovering of such Fines when rated, if they shall not be paid within a Month after the rating of the same.

Debits on Seizures.

Thirdly, That where any Debits shall be made out, either upon Seizures or personal

sonal Informations for Payment of any Money into the *Exchequer*, the same shall be signed by one of the Attornies in the said Office, and the Person paying in such Money, is hereby ordered to bring the Tally-Pook to such Attorney, or in his Absence to some other Attorney in the said Office, there to be entered, that it may appear that such Money has been answered to his Majesty, otherwise Proceſs to go as if no Payment had been made.

Recognizance on Writs of Delivery.

Fourthly, That where any Writs of Delivery shall be granted upon Security for any Ship or Goods as forfeited, the Words following shall be for the Future inserted in the Conditions of all Recognizances to be taken for such Ships or Goods, viz. *Aut si aliqua Compositio per Licentiam hujus Curiae facta fuerit cum aliquo Informatore, in aliquâ Informatione exhibita vel exhibenda de vel in Præmissis, tunc si Prædictus A. B. (the Claimer) hæredes, Executores vel Administratores sui infra proximum Terminum post talem Compositionem factam finem fecerit de Recordo in hac Curia cum dicto Domino Rege, Hæredibus vel Successoribus suis de et in Præmissis, et finem prædict' sic factum infra unum Mensem tunc prox. sequent. dicto Domino Regi, hæred' vel*

vel Successoribus suis solverit vel satisfecerit, tunc, &c. aliter, &c.

Fines how to be rated.

Fifthly, and for the better Information and Guidance in the rating of all such Fines, It is further ordered, that the Attorney that makes his Bill for rating of such Fines shall therein insert the true appraised Value of the Goods seized, and the Sums compounded for by the Informer, and upon rating the Fines upon personal Informations shall also produce the Informations themselves or Office Copies thereof; and shall also produce to the Persons that rate any the said Fines as well the Licence upon which any Composition shall be made without the Informer, as also the Oath of the Informer what he hath received or is to receive by way of Composition in any such Cause.

And lastly, It is hereby ordered, that these Rules be transmitted down to the Customhouse, and that the Solicitor of his Majesty's Customs do take Care that all Officers and Others concerned therein do punctually observe the same.

*Cha. Montague.
Edw^d. Ward.
N. Lechmere.
Littleton Powis.
John Blencoe.*

An Order touching Customers, Comptrollers and Searchers and their Deputies, and the Clerk of the Port Bonds.

Michaelis Termino Anno decimo Regni Regis Gulielmi tertii.

Martis octavo Die Novembris.

Deputies to Customers to be sworn.

WHEREAS divers of the Customers, Comptrollers and Searchers of the several Ports in *England* and *Wales*, being constituted by Letters Patent under the Great Seal of *England*, have by their said Patents Power to execute their said Places by themselves or their sufficient Deputies; and it being represented to the Court that many of the Patent Officers are not resident and attendant upon their said Offices in the respective Ports, but execute the same by their Deputies, who are not admitted and sworn by this Court to the due Execution thereof, nor their Deputations inrolled as they ought to be; and Nevertheless the said Patent Officers do themselves yearly deliver into this Court
their

their several Port Books, upon their own Oath and without the Oaths of their Deputies, though the Entries therein contained have not been made by themselves but by their said Deputies; which the Court looking upon to be very prejudicial to his Majesty's Service; for the remedying the same for the Future, it is ordered by the Court, that where any Customer, Comptroller or Searcher for any Port, shall constitute or appoint any Deputy or Deputies to act for him or them in the Execution of their respective Offices, such Deputies shall before they enter upon the Execution of their respective Offices be sworn before one of the Barons of this Court, or by Commission out of this Court, duly to execute their said Offices, and shall cause their Deputations to be inrolled in the Office of his Majesty's Remembrancer of this Court; and all Persons now executing any of the said Offices by Deputation from any Customer, Comptroller or Searcher, having Power to make Deputies who have already enrolled their Deputations, and have not been sworn before one of the Barons of this Court, or by Commission, are hereby required to inrol their said Deputations, and to be sworn accordingly before the first Day of *Easter* Term next.

Port Books returned into Court.

And it is further ordered, that the several Port Books of such Officers as execute their Places by Deputy only, shall for the Future be returned into this Court upon the Oaths of the respective Deputies executing such Places, and by the Officers where they execute the Offices by themselves; and to the End it may appear that Port Books are yearly sent from this Court to the respective Ports of *England* and *Wales*, and when such Books are returned by the respective Officers of the said Ports into this Court, it is further ordered, that his Majesty's Remembrancer shall cause a Book to be kept in his Office, wherein an Entry shall be made of the said Books when they are lent out, and of the Day when any of the said Books are returned again into Court; and for that upon the Apposal of Sheriffs upon the Process of this Court awarded upon Port Bonds, entered into in the several Ports of *England* and *Wales* for Goods carried from Port to Port, it frequently appears upon the Oaths of the several Under Sheriffs apposed upon such Process, that divers of the Persons bound in such Bonds either have not any known Place of Abode therein mentioned, or are so uncertainly described that they cannot be found, or are so poor that the

Remedy

Remedy upon such Bonds becomes ineffectual: It is further ordered, that the Officers of the several Ports concerned in taking of Port Bonds do take special Care for the Future that the Persons to be bound in such Bonds be House-keepers or other sufficient solvent Persons, and that the Places and Parishes of the Habitations of such Persons, and their proper Additions be expressed in all such Bonds hereafter to be taken in the several Ports aforesaid; and to the End that Process may not issue upon any Port Bond without good Cause, it is ordered, that the Clerk of the Port Bonds shall, before he issues forth any Process upon any Port Bond, diligently examine as well the Port Books returned from the Port where the Goods mentioned in such Bond were entered, as the Port Book returned from the Port where the Goods are in the Books of the entering Port, or in the Conditions of the said Bonds mentioned to be landed, where it may appear whether such Bonds are really forfeited or not; and all such Bonds as shall upon such Examination appear to be forfeited, to be entered in a Book kept for that Purpose before any Process be permitted to issue thereupon. And the Commissioners of his Majesty's Customs are desired to take Care that Copies of this Order be sent to the several Ports, to the End the Officers of the several Ports
herein

Port Bonds to
be entered into
by House-
keepers or
other suffici-
ent Persons.

herein concerned may take Notice hereof,
and give Obedience hereunto.

Cha. Montague.

N. Lechmere.

Edw^d. Ward.

Littleton Powis.

Hen. Hatsell.

Sabbati quarto Die Julij 1702.

Appraisement of Ships or Goods.

The Court taking into Consideration the many Inconveniences that frequently happen to Merchants and other Persons trading within this Kingdom, that by reason the Officers of the Customs making any Seizures of Goods forfeited, do fail in their Duty, neglecting to exhibit Informations, and to take out Writs of Appraisement the Term following after such Seizure made, as by Law they ought to do, yet such Goods seized are kept in the Warehouse, and put into a Writ of Appraisement among other Goods seized long after by other Officers, by reason of which irregular Practices such Goods are frequently condemned without any Notice to the Owners thereof. For the preventing the like Inconveniences for the Future, the Court doth this Day declare and
order,

The Party
making it to
exhibit the
next Term or
sooner an In-
formation.

order, that it be a standing Rule in this Court for the Time to come, that all Officers of the Customs who shall seize Ships or Goods for any Cause whatsoever, shall, the Term following after such Seizure made, or sooner, cause an Information to be exhibited and a Writ of Appraisement to be taken out and returned into this Court, and that no Writ of Appraisement shall be made out of this Court wherein more than one Officer's Name shall be inserted; unless it shall be made out by Affidavit that such Seizure was made by several Officers jointly in the same Port, or that such Goods seized and to be contained in one Information, do not exceed in Value the Sum of 50*l.* without Leave of this Court, or of the Lord Chief Baron, or one other of the Barons, first had and obtained for the exhibiting such Information and making out such Writ of Appraisement; and it is hereby likewise ordered, that the Solicitor of her Majesty's Customs do take effectual Care that this Order be put in Execution within the Ports of *London* and the several Out-Ports of this Kingdom.

Edw^d. Ward.
Thos. Bury.
Re. Price.

Termino Paschæ Anno
secundo Regni Regi-
næ Annæ.

Veneris 30 Die Aprilis 1703.

FOR the better answering of all such Forfeitures and Sums of Money as shall accrue and grow due to the Queen's Majesty, by reason of any Informations exhibited in this Court of the Seizure of Goods forfeited, or for any Offence committed against any penal Statute; it is this Day ordered by the Court as follows, *viz.*

Concerning personal Informations and Licences for Composition.

That the Defendant in all personal Informations, and both Plaintiffs and Defendants in all Licences for Compositions hereafter to be granted and exhibited, be certainly and particularly described in the said Informations and Licences as well by their proper Names and Additions, as also by the Parishes, Towns and Places where they respectively live; and if any of them live in the Cities of *London* and *Westminster*, and in any of the Parishes or Places

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within

within the weekly Bills of Mortality, or in any other City or Town Corporate, then the particular Street or other Place of Notoriety where they respectively inhabit or dwell, is to be indorsed upon every such Information and Licence, when first exhibited or taken out; and the like Descriptions and Certainty to be observed as to all Persons that put any Claims upon Seizures of Goods, or shall bid upon any Proclamation of Goods seized.

That every Licence hereafter to be granted shall be signed by one of the sworn Clerks towards the Cause in the Queen's Remembrancer's Office, (if the Cause be there) or by one of the Attornies towards the Cause in the Office of Pleas, (if the Cause be there) and also stamped with the Stamp or Mark to be provided by the Queen's Remembrancer for his Office, and by the Clerk of the Pleas for his Office, and entered as to the Substance of it in a Book to be respectively kept in each of the said Offices, before the same Licence shall be brought to be signed by any of the Barons of this Court; and the Name with the like Certainty and Descriptions as aforesaid, of the Person or Persons that take it or prosecute any such Licence, shall be entered into the said Books respectively.

That over and besides the usual Condition in the Licences contained of making

king the same void, if no Composition, and Oath thereof be made by the Time in such Licence limited, there be a further Condition therein inserted for making the same void, in case the said Licence and the Oath thereupon made containing the Sum, for which a Composition shall be made, be not returned into Court within 15 Days after the Time limited in such Licence: And every Person that shall take out any such Licence, his Solicitor or Agent shall be obliged, and is hereby ordered to return the same into the Office within the Time aforesaid, whether there be or not any Composition made by Virtue thereof; and if any Composition shall be made sooner than within the utmost Time limited by the Licence, then such Composition and Oath thereupon shall be forthwith returned into the Office; and upon the Return of such Licence, with or without any Composition thereupon, the respective Office Books to be marked accordingly; and if no Composition be made thereupon, the said Licence shall be forthwith cancelled and left in the Office, in the Hands of the Defendant's Clerk in Court, with the other Licences upon which Compositions shall be made.

That there shall be a Date put to every Licence when the same is signed by a Baron, and that no Licence hereafter to be

granted shall be granted for any longer Time than as hereafter mentioned, (that is to say) If taken out in *Hilary* Term, or within three Weeks after, then not to endure longer than to the first Day of *Easter* Term next following; if taken out after the said three Weeks after *Hilary* Term, then not to endure longer than to the last Day of *Easter* Term next; and if taken out within the first Week of *Easter* Term, then not to endure longer than the first Day of next *Trinity* Term; and if taken after the first Week in *Easter* Term, or in the Vacation following, then not to endure longer than to the last Day of that *Trinity* Term; and if taken out within *Trinity* Term, or within one Month after the said *Trinity* Term, then not to endure longer than to the first Day of the next *Michaelmas* Term; and if taken out after the said one Month after *Trinity* Term, then not to endure longer than to the last Day of *Michaelmas* Term; and if taken out after the first Week in *Michaelmas* Term, or in the Vacation following, then not to endure longer than to the first Day of *Hilary* Term following.

That every Informer, when he makes Oath to any Composition before any of the Barons of this Court, shall bring along with him the Defendant, his Solicitor or Agent with whom he made such Composition, to the End that some Care and Provision

vision may be taken and made, that the like Sum received by the Informer may be forthwith deposited in the Hands of the Queen's Remembrancer or his Deputy, or in the Hands of the Clerk of the Pleas, if the Composition be in his Office, or otherwise secured for or towards so much of the Fine as shall be rated for her Majesty, her Heirs or Successors, in that Cause; and may oblige to perfect the Rating of the said Fine, and to pay the same into the Receipt of the *Exchequer* upon *Debet* to be made under the proper Hands of one of the sworn Clerks or Attornies, and produce the Tally for the same to such sworn Clerk or Attorney for the perfecting the whole Record of the said Composition and Fine. And in case no such Deposit or Security shall be made or given as aforesaid, and the Queen's Fine shall not be rated and paid within 20 Days next after the Informer shall have sworn to his Composition, and the same be brought into Court as before is provided; then Process *ad faciendum finem*, and all other proper Process and Proceedings shall be forthwith issued against such Defendant in the Premises.

Edwd. Ward.

Thos. Bury.

Ro. Price.

J. Smith.

Mercurij 28 Die Nov. 1711.

Returns of Seizures.

If for the Future any Officers shall make Return of Goods seized to the Value of 100*l.* and shall not make Oath that it was a Joint Seizure at one Time, that no further Proceedings shall be had on such Seizure.

Trinity 13 Annæ.

Sabbati 3 Die Julij 1714.

Security for Costs on Claims.

THE Court being this Day informed that several Claims were entered in the Office upon Writs of Appraisement that were proclaimed in Court the last Day of the Term, and no Security as yet given to answer such Costs to the Informer as should be occasioned by the Entry of such Claim; and as the Court should award pursuant to an Act of Parliament in that Behalf lately made; it was therefore prayed, that such Claims might be set aside; It is this Day ordered by the Court, that unless Security be forthwith given

given to answer Costs, that such Claims shall be and are hereby discharged; and that this Order be a standing Order for the Future, That all Persons entering Claims to any Goods seized shall be obliged, before the Rule given for Condemnation of such Goods shall expire, to give Security to answer such Costs as the Court shall award, or in Default the Claims to be set aside and the Goods to be condemned.

Termino Sancti Michaelis Anno secundo Regni Regis Georgii primi.

Veneris 11 Die Nov. 1715.

Touching Indentures of Appraisement.

WHEREAS several Orders have been hitherto made touching the Returns of Indentures of Appraisement, that where it shall appear that several Officers were joined together in one Writ of Appraisement, and the Value of the Goods returned by such Indenture should exceed the Sum of 100/. that a Stop should be

put to any further Proceedings upon such Indenture of Appraisement without Special Leave of the Court, unless it should appear by Affidavit of the said Officers or some of them, that such Seizure or Seizures were jointly made by them, and for their joint and mutual Benefit at one and the same Time; and upon proclaiming several Writs of Appraisement, this Day the Court taking Notice that their Orders are not observed, for that it appears upon a Writ of Appraisement from the Port of *Powey* in *Cornwall*, there are nine several Officers named in the said Writ, and the Goods returned by the said Indenture exceed the Value of 500*l.* and that likewise one Writ in the Name of *Thomas Burfield* and others from the Port of *London*, wherein several Officers Names are inserted, and the Goods returned exceed the Value of 100*l.* and no Affidavit made; It is thereupon this Day ordered by the Court, that a Stop be put to any further Proceedings upon the said Writs of Appraisement; and that Mr. *Charles Farwell* and Mr. *Thomas Moor* Appraisers, within the Port of *London*, do attend this Court on *Tuesday* next, to shew Cause why they do not observe the Orders of this Court in returning their Indentures of Appraisement; and for that the Officers of the several Out Ports, after
Seizures

Seizures made of any Goods, do keep such Goods under Seizure for several Months before they take out Writs of Appraisement, to the great Detriment of his Majesty's Subjects trading to foreign Parts; It is this Day ordered by the Court, that for the Time to come all Officers of the Customs of the several Ports of *England* and *Wales* and the Town of *Berwick* upon *Tweed*, that shall make any Seizure of Goods, shall be obliged, the Term following after such Seizure made, to take out a Writ for the Appraisement of such Goods; and upon the Return of such Indentures of Appraisements the Commissioners in the said Writ named and the Appraisers shall insert the several Species of Goods seized, with the Names of the Officers seizing such Goods, and the Time when seized, and out of what Vessels, and in what Package such Goods were seized, if any; and where any Writ of Appraisement shall be taken out in the Name of more than one Officer, and the Goods seized shall exceed the Sum of 100*l.* and no Oath made that the same was one entire Seizure, that a Stop shall be put to any further Proceedings upon such Indentures of Appraisement without special Leave of the Court, and that no Indenture of Appraisement shall be returned into Court on Paper, but on Parchment stamp

stamp according to Law; whereof all Officers concerned, and the Clerks in Court, are to take Notice and demean themselves accordingly, as they will answer the contrary at their Perils.

Touching Bidders.

And whereas it often happens, upon Proclamation made in Court, several Persons do often buy the said Goods, and yet delay paying in the Money, to the Detriment of his Majesty and the Officers making such Seizure; for Prevention thereof for the Future, it is further ordered by the Court, that every Bidder shall pay down into the Hands of the Deputy Remembrancer of this Court the full Sum of such his Bidding, and within 14 Days after such Goods shall be legally condemned, shall take out a *Debet* and pay one Moiety into the Receipt of his Majesty's *Exchequer*, and the other Moiety to the Officers making such Seizure; or in Default of such Payment at the Time limited, the Bidder to lose the Advantage of his Bidding, and Judgment to be entered up for condemning such Goods in the Name of the Officer, and the Officer upon Payment of his Majesty's Moiety to have the Advantage of such Bidding by taking the Money out of the Hands of the Deputy Remembrancer.

Mercurij 2 Julij 1718.

Touching Bidders.

Upon the Motion of Mr. *Ward* on Behalf of Mr. *William Jenks* who had bought two Indentures of Appraisement at the Port of *Hull*, upon Proclamation made thereof in this Court, informing the Court that the Officers refused to allow the said Mr. *Jenks* the full Charge he paid for Condemnation Charges, on paying in the Money at the Receipt of the *Exchequer*, the Writ of Delivery, and Mr. *Stevens* the Solicitor of the Customs Fees, on account of the said Condemnation, as appears by the Affidavit of Mr. *William Miller* now read in Court, who was empowered to receive the said Goods by virtue of a Letter of Attorney from the said Mr. *William Jenks*; he therefore prayed that the said Officers might pay him the full Charges as he had paid for the said Officers on the Account aforesaid. The Court doth declare and order that the Officers of the Customs in whose Names any Goods are condemned that are bought in this Court, that they shall pay to the Persons buying such Goods upon Proclamation the Fees paid for Condemnation, on paying in the Money at the *Exchequer*, the Writ of Delivery, and the Solicitor of the Customs his Fees in prosecuting

cutting the said Condemnation, out of their Moiety, and the Persons that buy such Goods are hereby empowered to deduct such Charges out of the Officers Moiety. And it is further ordered by the Court, that *Hugh Mason* and *Phillip Young* do allow unto the said *William Miller* the Sum of 3*l.* 5*s.* 4*d.* abated out of Mr. *Jenks's* Bill in *Easter* Term last.

Termino Sanctæ Trinitatis Anno nono Regni Regis Geo. I.

Mercurij 3 Die Julij 1723.

Rules touching Seizures and other Matters.

THE Court taking Notice of several Inconveniences, which have happened by the Delays of the Prosecutions when Goods have been seized, and otherwise relating to Seizures, and other Matters of Practice in the Court, have made the following Orders to be observed and obeyed by all Persons concerned, *viz.*

Writs of Appraisment.

That in all Ports one hundred Miles distant from *London* or upwards, the Officers

Officers are to take out Writs of Appraisement 14 Days at least before *Easter* and *Michaelmas* Terms for all Goods then seized, returnable the first Day of each of those Terms, and the Cause of Seizure to be always returned in or at the Bottom of the Indenture of Appraisement.

That in all Out Ports 60 Miles distant or upwards 10 Days at least.

And in the Port of *London* six Days at least; but this Rule not to extend to the two Vacations after *Easter* and *Michaelmas* Term.

Claims.

That all Claims whatsoever, together with the Day of making the same, be entered in the public Books as well as on the Back of the Indenture.

That the Register of the Seizures do deliver to all the Barons within 10 Days after every Term, a short Abstract of all Writs returned and registered before him, the Officers Names, Species, and the Total of every Indenture.

That the Inspector do give all the Barons, within four Days of every Term, except *Trinity* Term, an Account of the Totals of the Goods recovered, as also of Fines paid and Monies recovered by Judgment since the preceding Term, and what is standing out.

Writs

Writs of Delivery.

That where a Claim is entered and no Information filed in a Month after, a Writ of Delivery, on Security to go by Motion, and the Officer to shew Cause why he seized the Goods.

Licences.

That the old Rule about the Plaintiffs and Defendants attending together at the Swearing the Licence be observed, unless a Baron, by reason of the Absence or Sickness of the Parties, shall think fit to dispense therewith.

Fraudulent Compositions and sham Informations.

And to prevent fraudulent Compositions and sham Informations, when ever a common Informer exhibits an Information, who is not an Officer of the Custom or Excise, the Name of such Informer, together with his Calling and Place of Abode, shall be inserted in the Information-Book at the Time it is entered.

That no Money for Compositions be received by any of the Clerks.

Not mixing Seizures.

That no entire Seizure, made by one or more Officers at the same Time and Place, shall be separated into two or more Writs, or mixt with any other Goods in the same *Item*.

But this is not to alter the old Rule, by which several Officers are allowed to join in one Writ of Appraisement, where the Value of the whole Appraisement does not exceed 100*l*.

If he does so, the Party so claiming may inform the Court by Affidavit thereof, and upon Motion an Attachment shall go against the Person guilty of such Misdemeanor.

Claims and Security for Costs.

That when a Writ of Appraisement is returned, and a Defendant coming in claims Property, he must give Security to answer Costs in six Days, unless indulged by Order of one of the Barons, and upon Failure thereof such Claim to be *ipso facto* void, and the Goods shall be recovered.

N. B. This Rule is not meant to break in upon the old Rules which give the Defendant in the Country 14 Days to claim, and the Defendant in Town 8 Days, but to take Place after such respective Claims shall be entered.

Bidders

Bidders not paying Money.

And to prevent the Bidders keeping the King's and the Officer's Money in their Hands, as they very often do for three or four Months after *Hilary* and *Trinity* Terms; the antient Rule of the Court made on this Account must be allowed, *viz.* That if the Bidder does not within 20 Days after the Rule for claiming is out, not only pay the King's but the Officer's Money, the Bidding to be *ipso facto* discharged, and Judgment to be entered, and the Officer to have all the bidding Money Himself.

And to prevent the Bidder's keeping the Officer's Money, (*viz.*) his Moiety after the King is paid, three or four Months, as is frequently done, such Officer may apply to the Court or one of the Barons for an Attachment against such Bidder, if he doth not pay the Officer his Moiety within 10 or 14 Days after the King's Moiety is paid in, for the Officer cannot have the Benefit of the bidding Money, which will not be forfeited in regard the King's Money is paid into the *Exchequer*.

Appearances to personal Informations.

That Appearances to *Latin* Informations, as soon as the Clerk hath Orders to appear,

appear, be entered in a Book to be kept for that Purpose, and a Copy of such Entries, as also the Entries of Appearances to all personal Informations, be delivered to every one of the Barons the first Day of every Term, except *Trinity* Term.

Notices of Trial.

That Notice of all Trials be entered in a public Book to be kept for that Purpose; and that Notice of all Trials above 60 Miles from *London*, in *Easter* and *Michaelmas* Terms, be 14 Days before such Trial; and in all Causes within 60 Miles of *London* be 10 Days at least before such Trials; and that Notice of all Trials, in *Trinity* and *Hilary* Terms, above 60 Miles from *London* be 10 Days at, least and within 60 Miles of *London* eight Days at least, except on Seizures in the Port of *London*; and Issues arising in *London* and *Middlesex* the Trials on which Seizures are to be on, fix Days Notice: And that all Countermands of Trials be entered in the same Book two Days at least before the Day of Trial, unless in Country Causes, and then four Days before Trial; and if the said Countermand be entered in the Book two Days or four Days as aforesaid before Trial, the Defendant in such Case, without Special Order, is not to be intitled to Costs.

Signing Recognizances.

That no Recognizance be taken without being signed either by the Deputy or, in his Absence, by one of the sworn Clerks.

James Montague.

Ro. Price.

Fran. Page.

Jeff. Gilbert.



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